

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

PS – Education (SE) Deptt. – Sri **B. Duryodhan**, M.E.O., Pendurthi, Visakhapatnam - Trapped by the ACB on 31.7.2003 – Convicted in C.C.No.11/2004 – Withholding of Pension and Gratuity in full permanently – Orders – Issued.

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EDUCATION (SE.Vig.I) DEPARTMENT

**G.O.Rt. No. 639.**

**Dated: 07.11.2009.**

Read the following :

1. From the RJDSE, Kakinada, Proc.Rc.No.3871/A2/2003, dt.1.8.2003.
2. G.O.Ms.No.29, Edn., dt.28.2.2004.
3. G.O.Rt.No.541 Edn., dt.8.8.2006.
4. Judgment dt.5.5.2009 of the Spl.Judge for ACB Cases, Visakhapatnam, in C.C.No.11/2004.
5. Interim order the High Court, dt.16.6.2009 in CrI.A.M.P.No.1472/2009 in CrI.Appeal No.669/2009.
6. Govt.Memo.No.13032/SE-Vig.I(1)/2003--10, dt.10.7.2009.
7. From the D.G., ACB, Lr.No.167/RCT/WVP/2003-S11, dt.7.10.2009.
8. Govt.Memo.No. 13032/SE-Vig.I(1)/2003--11, dt.10.7.2009.
9. Explanation of Sri B.Duryodhan, dt.5.9.2009.
10. From the C&DSE, Lr.Rc.No.3052/Vig.1/DSE/2003, dt.18.9.2009.

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**ORDER :**

Consequent on his trap by the ACB on 31.7.2003, Sri B. Duryodhan, M.E.O., Pendurthi, Visakhapatnam, was placed under suspension by the RJDSE, Kakinada, vide Proc.1<sup>st</sup> read above, Prosecution orders were issued vide G.O.2<sup>nd</sup> read above, and the ACB has filed charge sheet against him in the court of Spl.Judge for ACB cases, Visakhapatnam, in C.C.No.11/2004. He retired from service on 31.3.2004 while under suspension. In the G.O.3<sup>rd</sup> read above, provisional pension was sanctioned to him.

2. Sri **B. Duryodhan**, M.E.O. (Retd.), Pendurthi, Visakhapatnam, is found **guilty** for the offences punishable under Sections **13(1)(d)** r/w **13(2)** of the P.C.Act and **convicted** u/s 248(2) of Cr.P.C., and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine amount, to suffer simple imprisonment for a period of one month ; and **acquitted** for the offences punishable under Section **7** of P.C.Act, vide Judgment 4<sup>th</sup> read above, in C.C.No.11/2004.

3. In the reference 6<sup>th</sup> read above, the ACB has been permitted to file CrI.Appeal in the High Court against the acquittal judgment ; and accordingly, the ACB has filed Criminal Appeal(SR) No.22427/2009 in the High Court on 11.8.2009 challenging the order passed in C.C.No.11/2004 on the file of Spl.Judge for ACB Cases, Visakhapatnam, in so far as the acquittal of Sri B.Duryodhan for the offence u/s 7 of P.C.Act, 1988.

4. Sri B.Duryodhan has filed Criminal Appeal No.669/2009 in the High Court of A.P. against the conviction order of the trial court ; and the Hon'ble High Court in its interim orders 5<sup>th</sup> read above, suspended the sentence of imprisonment imposed by the trial court, pending disposal of the CrI.Appeal.

5. In the reference 8<sup>th</sup> read above, a show cause notice has been issued to him as to why his Pension and Gratuity in full should not be withheld permanently, under Rule 9 of the A.P.Revised Pension Rules, 1980, on the ground of conduct led to his conviction in C.C.No.11/2004, for the offence u/s 13(1)(d) r/w 13(2) of the P.C.Act. He has submitted his explanation 9<sup>th</sup> read above.

6. In his explanation, Sri B.Duryodhan has stated that he filed Crl.Appeal No.669/2009 against the judgment in CC No.11/2004 and the High Court suspended the same and he was released on bail ; further he was acquitted in the trial court in the main section for the charge under P.C.Act as the entire charge based on under Sec.7 of P.C.Act which was undoubtedly disproved as the alleged bribe demand amount of Rs.500/- was not proved by the prosecution and the charge under section of P.C. Act was not established by the prosecution and the judgment of trial court is neither final nor mandatory in manner whatsoever ; and criminal appeal filed by him is under judicial scrutiny before the High Court and he has full confidence and trust to win in appeal on account of disproving the main charge under Sec.7 of P.C.Act., etc., and requested to consider his case sympathetically under humanitarian grounds without withholding his pension.

7. After careful examination of the matter, Government have observed that the misconduct established against Sri B. Duryodhan by his conviction is grave and calls for imposition of the penalty of withholding of Pension and Gratuity in full permanently, under Rule 9 of A.P.Revised Pension Rules,1980 ; and the High Court has suspended the sentence of imprisonment only and the conviction of Sri B.Duryodhan stands good ; and hence mere suspension of sentence of imprisonment is not a bar for imposition of the penalty; and therefore decided to impose the penalty of “withholding of Pension and Gratuity in full permanently”.

8. Accordingly, the penalty of **“withholding of Pension and Gratuity in full permanently”** is hereby imposed on Sri **B. Duryodhan**, M.E.O. (Retd.), Pendurthi, Visakhapatnam, under Rule 9 of the A.P.Revised Pension Rules,1980, on the ground of conduct led to his conviction in C.C.No.11/2004, for the offence u/s13(1)(d) r/w 13(2) of the P.C.Act.

9. The Commissioner & Director of School Education, Hyderabad, shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SURESH CHANDA  
SECRETARY TO GOVERNMENT(SE)

To  
The individual through C&DSE, Hyd.  
The Commissioner & Director of School Education, Hyderabad.  
Copy to the Regional Joint Director of School Education, Kakinada.  
Copy to the Director General, Anti Corruption Bureau, Hyderabad.  
Copy to the Accountant General, A.P., Hyderabad.  
Copy to the Director of Treasuries & Accounts, Hyderabad.  
Copy to the Secretary to V.C., APVC.  
SF/SCs.

// FORWARDED : BY ORDER //

SECTION OFFICER